IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1384 OF 1988

M/s.Naraindas Bros. ...Plaintiffs
V/s.
Dolly Expo (Far East) Ltd. & Anr. ...Defendants

Mr.K.D. Shah for Plaintiffs.
None for Defendants.

CORAM : A.S. AGUIAR, J.
DATED : OCTOBER 14, 2004

P.C. :-

1. Mr.Shah appears for plaintiffs. None for defendants though served. Affidavit of service has been filed. However, the original affidavit is not traceable in the proceedings.

2. Learned Advocate for the plaintiffs submits true copy of the said affidavit from which it is seen that the registered packet addressed to defendant no.1 has come back with the endorsement of the postal authorities "Refused". Defendant no.2 has not been served. However, learned Advocate for plaintiffs states that he does not seek any relief against defendant no.2 and that prays for dropping him as party defendant. Name of

defendant no.2 to stand deleted. Amendment to be carried out forthwith. Compilation of original documents as well as affidavit in chief of the partner of the plaintiffs taken on record.

3. Since the defendants have been served and they have not filed any written statement, suit is decreed under Order VIII Rule 10 in terms of prayer clause (a). Defendants are directed to pay to the plaintiffs a sum equivalent of US dollars 40,000/- subject to the interest being restricted to the rate of 12% instead of 18% p.a. No order as to costs. Refund as per Rules.

. Suit to stand disposed of.

. Certified copy expedited.

(A.S. AGUIAR, J.)